BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
OFFICE OF THE STATE AUDITOR
STATE OF MONTANA

IN THE MATTER OF:)	CASE NO. INS-2010-38
)	
MICHAEL A. LOWEEN)	CONSENT AGREEMENT
)	
in his capacity as a licensed insurance)	
producer, License #67308)	
)	
Respondent.)	

This Consent Agreement dated this **24** day of August, 2010 is between the Montana

Insurance Department (Department), acting pursuant to the authority of the Montana Insurance

Code, Mont. Code Ann. § 33-1-101 *et seq.* (the "Code") and Michael Loween (Loween).

RECITALS

WHEREAS, the Department initiated this case alleging violations of the Code by

Respondent, by failing to pay his state income taxes;

WHEREAS, the Department has engaged in extensive investigation of the allegations

contained within the case;

WHEREAS, the Department and Respondent have agreed that the best interests of the

public would be served by entering into the agreements and undertakings specified herein.

NOW THEREFORE, in consideration of the mutual undertakings herein contained, the Department and Loween hereby agree to resolve their differences and settle this matter pursuant to the following terms and conditions:

SUMMARY OF ALLEGATIONS

The allegations against Loween indicate he failed to pay state income taxes in violation of the Code. The Notice of Proposed Agency Disciplinary Action and Opportunity for Hearing (Agency Action) are attached as Exhibit A.

STIPULATIONS AND CONSENTS

The parties jointly and mutually consent and agree as follows:

A.   Without admitting or denying any of the allegations, Loween stipulates and consents to the following:

1.   To become affiliated with a Kalispell insurance agency known as Tinseth and Associates (Tinseth). During the first year of this affiliation, Loween and Tinseth shall jointly provide the Department with a quarterly report summarizing each annuity transaction engaged in by Loween, including purchases, sales and withdrawals. The report will contain information relevant to a suitability analysis as outlined in Mont. Code Ann. § 33-20-801-806. The first report is due November 15, 2010 and shall be addressed to Roberta Cross Guns at the Office of the Commissioner of Securities and Insurance, Montana State Auditor, 840 Helena, Avenue, Helena, Montana, 59601.

2.   To comply with the terms and conditions of this Consent Agreement and with the securities laws and regulations of Montana.

3.   The applicable statute of limitation pursuant to Mont. Code Ann. § 33-1-707 is tolled for one year from the date of execution of this Consent Agreement with regard to the

allegations set forth in the Agency Action. In the event Respondent violates the terms of this Consent Agreement at any time during the one-year tolling period, the Department reserves the right to seek fines up to $5,000 from Respondent.

4.   Respondent fully and forever release and discharges the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI) and all CSI employees from any and all actions, claims, causes of action, demands, or expenses for damages or injuries that may arise from the allegations underlying this Agreement, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the Agency Action.

B.   Based on the foregoing consents and stipulations by Respondent, the Department agrees as follows:

The Commissioner of Securities and Insurance of the Office of the State Auditor (CSI), pursuant to authority of the Securities Code of Montana and the applicable statutes found in the Montana Administrative Procedures Act, agrees that if the terms and conditions of this Consent Agreement are fully met, the CSI will not initiate any civil, administrative or other judicial proceeding against Respondent regarding the allegations contained in this case. Additionally, pursuant to authority of the Securities Code of Montana and the applicable statutes found in the Montana Administrative Procedures Act, the CSI agrees that if the terms and conditions of this Consent Agreement are fully met, the CSI will not refer this case for criminal prosecution regarding the allegations contained in this case.

C.   All parties to this Consent Agreement agree and acknowledge:

1.   This Consent Agreement constitutes the entire agreement between the parties, there being no other promises or agreements, either express or implied.

2. The Department and Respondent agree that this Consent Agreement shall be incorporated and made a part of the attached Final Order issued by the Commissioner herein.

DATED this 26th day of August, 2010.

MONTANA INSURANCE DEPARTMENT

Roberta Cross Guns
ROBERTA CROSS GUNS
Attorney for the Insurance Department

DATED this 24 day of August 2010.

Michael A Loween
MICHAEL LOWEEN

STATE OF MONTANA)
) ss.
COUNTY OF FLATHEAD)

SUBSCRIBED AND SWORN to before me this 24th day of August, 2010. by Michael Loween.

WHITNEY WARREN
NOTARY PUBLIC for the
State of Montana
Residing at
Bigfork, Montana
My Commission Expires
August 07, 2013

Printed Name: Whitney Warren
Notary Public for the State of: Montana
Residing at: Bigfork
My commission expires: August 07, 2013 .

ORDER

Pursuant to the authority vested by the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.*, and upon review of the forgoing Consent Agreement and there appearing to be good cause, and for the purpose of settling this matter prior to a hearing, the Commissioner orders Respondent to perform the terms set forth in the foregoing Consent Agreement, including those found at paragraphs A 1-4.

IT IS ORDERED that the foregoing Consent Agreement between the Insurance Department and Michael Loween is hereby adopted as if set forth fully here.

IT IS FURTHER ORDERED that the suspension on Michael Loween's insurance producer's license is hereby lifted.

Dated this 26TH day of August, 2010.

MONICA J. LINDEEN
Commissioner of Securities and Insurance
Montana State Auditor

By: _Robert W Moon_
ROBERT W. MOON
Deputy Insurance Commissioner

Copies to: Roberta Cross Guns
Michael Loween